

0450 08/20/01 7-A 0360 08-20-01 #3
PATENT 674554-2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : ANVERSA, Piero
Serial No. : 09/919732
For : METHODS AND COMPOSITIONS FOR THE
REPAIR AND/OR REGENERATION OF
DAMAGED MYOCARDIUM
Filed : July 31, 2001 (Post card incorrectly states August 1, 2001)
Examiner : To Be Assigned
Art Unit : To Be Assigned

RECEIVED
OCT 31 2001
OFFICE OF PETITIONS

745 Fifth Avenue
New York, NY 10151

EXPRESS MAIL

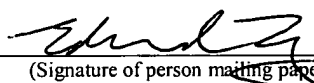
Mailing Label Number: EL 742667655 US

Date of Deposit: August 17, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Edward Nay

(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

**PETITION TO ACCORD FILING DATE
AS OF THE DATE OF DEPOSIT AS "EXPRESS MAIL"**

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to MPEP § 513 and 37 C.F.R. 1.10(c), Applicants hereby petition to
accord the filing date as of the date of deposit as "Express Mail". The Commissioner is hereby

authorized to charge any required fee for this Petition or credit any overpayment in such fees to Deposit Account No. 50-0320.

REMARKS, FACTS AND ARGUMENTS

In accordance with 37 C.F.R. § 1.10, the above-referenced application was deposited on July 31, 2001 as "Express Mail", with a certificate under 37 C.F.R. §1.10 as shown by Exhibit 1, a true copy of the express mail label bearing the "date-in" of July 31, 2001 as accorded by the U.S. Postal Service, the Express Mail Certificate that accompanied the application, and the return receipt postcard, wherein the PTO acknowledges receipt of the application, including the Express Mail Certificate. The postcard returned to Applicant shows that the application will be accorded a filing date of August 1, 2001. However, Applicant is entitled to a July 31, 2001 filing date because the application was deposited as Express Mail with an Express Mail Certificate pursuant to 37 C.F.R. §1.10.

As set forth in C.F.R. § 1.10 (c)(1-3), this petition is being filed promptly after Applicant has become aware that the U.S. Patent and Trademark Office will accord a filing date other than that of the U.S. Postal Service deposit date; the number of the "Express Mail" mailing label was placed on the papers that constitute the original mailing; and this petition includes a true copy of the "Express Mail" mailing label showing the "date in".

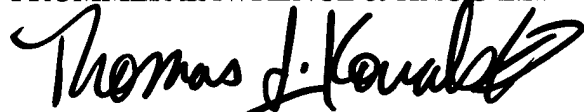
The undersigned confirms that this application, in its entirety, was, in the ordinary course of business, placed in the envelope bearing the aforementioned Express Mail label, and containing the aforementioned Mailing Certificate and postcard; and, was deposited as Express Mail with the U.S. Postal Service on July 31, 2001. Hence, the present application is entitled to a filing date of July 31, 2001, and according the application its July 31, 2001 filing date is respectfully requested.

CONCLUSION

In reference to the evidence and exhibit presented herewith, this application is entitled to a July 31, 2001 filing date, and it is respectfully requested that the Commissioner accord the application the filing date of the "Express Mail" date-in of July 31, 2001.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



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